

## REMARKS

Claims 1-7, 9-11, 13-19 and 21-22 are now pending in the application. Of the pending claims, claims 3-6 and 13-16 have been withdrawn from consideration. Minor amendments have been made to the specification to simply overcome the objections to the specification. No new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## DRAWINGS

The drawings stand objected to for certain informalities. Applicants have attached revised drawings for the Examiner's approval. In the "Replacement Sheets," the Applicants have amended Figure 1 to include reference numeral "70" and have amended Figure 3 to better show the location of sun gear "120" in the exploded view.

## SPECIFICATION

The specification stands objected to for certain informalities. As per the Examiner's suggestion, Applicants have proofread the specification and have amended the specification to correct certain minor typographical errors.

In addition, the abstract stands objected to for including legal language such as the word "comprises." Applicants have amended the abstract to remove any legal language, including the word "comprises," which was found in line 2 of the abstract. Therefore, reconsideration and withdrawal of this objection is respectfully requested.

## **CLAIM OBJECTIONS**

Claim 8 stands objected to because the phrase “the housing” included in claim 8 lacks proper antecedent basis. Claim 8 has been cancelled rendering this objection moot.

## **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 7, 9, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barth (U.S. Pat. No. 4,955,744) in view of Ohmi (U.S. Pat. No. 4,305,441). This rejection is respectfully traversed.

Applicants initially note that Claims 1 and 21 have been amended to include keyed surfaces on the body of the clamp assembly and on the blade washer. Claim 1 recites that “the body includes a keyed bottom surface and the blade washer comprises a keyed upper surface for engaging the keyed bottom surface of the body” and Claim 21 recites “wherein the blade engaging means and the clamping means include means for engaging.”

The combination of Barth and Ohmi does not teach or suggest Applicants’ invention, as neither Barth or Ohmi employs or suggests a clamp assembly including a body have a keyed bottom surface and a blade washer having a keyed upper surface for engaging the keyed bottom surface of the body of the clamp assembly. As the Examiner indicated in the Office Action, Barth fails to disclose, teach, or suggest a blade washer. Although, Ohmi discloses clamping discs, the discs do not have a keyed surface and, furthermore, Ohmi fails to even teach or suggest clamping discs having keyed surfaces.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1 and 21. Since claims 7 and 9 depend from claim 1, for the

same reasons applicable to claim 1, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 7 and 9.

Claims 2, 10, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barth (U.S. Pat. No. 4,955,744) in view of Ohmi (U.S. Pat. No. 4,305,441) and further in view of New (U.S. Patent No. 3,491,602), Feng et. al. (U.S. Patent No. 6,467,368), and Hitomi (U.S. Patent No. 6,848,642). This rejection is respectfully traversed.

Applicants hereby incorporate by reference the remarks presented in the above section discussing the rejection of claims 1, 7, 9, and 21 as they also apply to claims 2, 10, and 22. In addition, New, Feng, and Hitomi also fail to disclose, teach, or suggest the use of a blade washer, let alone a blade washer having a keyed surface. Accordingly, the incorporation of New, Feng, and Hitomi fails to rectify the issues discussed above.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2, 10 and 22.

Claims 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Barth (U.S. Pat. No. 4,955,744) in view of Ohmi (U.S. Pat. No. 4,305,441) and further in view of Childs et al (U.S. Patent No. 6,843,627). This rejection is respectfully traversed.

Although claim 8 has been cancelled, rendering this rejection moot, Applicants are addressing this rejection in the event that the Examiner decides that this rejection may be applicable to claims 1 and 21 as amended. In that regard, Applicants hereby incorporate by reference the remarks presented in the above section discussing the rejection of claims 1, 7, 9, and 21 as they also apply here.

The Examiner alleges that the Barth-Ohmi combination discloses the invention as claimed, but fails to disclose keyed surface as claimed. Furthermore, the Examiner alleges

Childs discloses a keyed surface and that Barth-Ohmi could be modified by the teaching of Childs.

“The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggests a desirability of the modification.” *In re Fitch*, 23 U.S.P.Q.2d 1780 at 1783 (Fed. Cir. 1992). (emphasis added).

Here, the Examiner alleges that Barth-Ohmi could be modified by Childs. However, the Examiner has failed to provide the Applicant with any disclosure from either Bart, Ohmi, or Childs which suggests this modification.

“The Examiner is relying on hindsight to arrive at the determination of obviousness. It is impermissible to use the claimed invention as an instruction manual or template to piece together the teachings of prior art so that the claimed invention is rendered obvious. The court has previously stated that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fitch*, 23 U.S.P.Q.2d at 1784.

In the present case, the Examiner has combined Barth-Ohmi and Childs. Barth teaches a torque multiplying clamp assembly, Ohmi teaches a rotary cutter having a blade tilting ability and Childs teaches a wrenchless clamp assembly that does not multiply torque nor uses a high torque component in its installation. There is no motivation in the references to combine one with another. Only through the Examiner’s hindsight, using the Applicants’ invention as a template, would she arrive at her conclusion. There is nothing in the Barth-Ohmi combination to suggest adding keyed surfaces to the clamping discs for engagement of the clamping discs. In fact, Ohmi teaches away from adding a keyed surface since changing of the angle of inclination of the rotary blade requires the ability to turn the clamping disks with respect to the pressing disks. In addition, there is nothing in Childs reference to suggest replacing the axial detent locking system used by the wrenchless clamp assembly with the blade clamp system disclosed in Barth. The wrenchless clamp assembly of Childs is designed to avoid the need for a high amount of torque or torque multiplying to install the clamp assembly. Instead, the wrenchless

clamp assembly of Childs relies on a locking system that includes, via axial displacement of the click member, selective engagement of the detents on the click member with the recess on the bolt body and disengagement of the same in order to rotationally lock and unlock the wrenchless clamp assembly. Thus, the Examiner is improperly relying on hindsight construction of the three references.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 8.

Claims 11 and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barth (U.S. Pat. No. 4,955,744) in view of Ohmi (U.S. Pat. No. 4,305,441) and Childs et al (U.S. Patent No. 6,843,627). This rejection is respectfully traversed.

Applicants initially note that Claim 11 has been amended to include a lever extendable from the clamp assembly for increasing the amount of torque to the clamp assembly. Claim 11 recites “wherein the blade clamp assembly further comprises a lever extendable from the clamp assembly for increasing the amount of torque to the clamp assembly.”

The combination of Barth and Ohmi and Childs does not teach or suggest Applicants’ invention, as neither Barth or Ohmi or Childs employs or suggests a clamp assembly including a lever extendable from the clamp assembly for increasing the amount of torque to the clamp assembly.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 11. Since claims 17-19 depend from claim 11, for the same reasons applicable to claim 11, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 17-19.

Claims 12 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barth (U.S. Pat. No. 4,955,744) in view of Ohmi (U.S. Pat. No. 4,305,441) and Childs et al (U.S. Patent No. 6,843,627) and in further view of New (U.S. Patent No. 3,491,602), Feng et. al. (U.S. Patent No. 6,467,368), and Hitomi (U.S. Patent No. 6,848,642). This rejection is respectfully traversed.

Although claims 12 and 20 have been cancelled, rendering this rejection moot, Applicants are addressing this rejection in the event that the Examiner decides that this rejection may be applicable to claim 11.

The establishment of a *prima facie* case of obviousness requires that three basic criteria be met: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings, 2) that there must be a reasonable expectation of success, and 3) that the prior art reference or references must teach or suggest all the claim limitations. *See, e.g., In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

Regarding the requirement for teaching or suggesting all claim elements, Applicants note that Claim 11 has been amended to include “a lever extendable from the clamp assembly for increasing the amount of torque to the clamp assembly.” The combination of Barth and Ohmi and Childs with Feng, New, or Hitomi does not teach or suggest Applicants’ invention, as neither Barth or Ohmi or Childs employs or suggests a clamp assembly including a lever extendable from the clamp assembly for increasing the amount of torque to the clamp assembly. Furthermore, neither Feng, New, or Hitomi teach, suggest, or disclose an extendable lever. Feng, New, and Hitomi each disclose a fixed, non-extendable lever that is mounted on or attached to a bicycle handlebar, a switch housing, or a fishing reel, respectively. Moreover, there

is no suggestion or motivation in Feng, New, and Hitomi to change or alter the disclosed levers from fixed and non-extendable to extendable since each of the levers are located or used in areas and applications with little or no space constraints.

For at least the reasons set forth above, Applicants submit that the Examiner has not presented a *prima facie* case of obviousness.

Finally, Applicants note that in order to rely on a reference under 35 USC §103, the reference must be analogous prior art. See MPEP 2141.01(a). Feng, New, and Hitomi each disclose a lever that is mounted on or attached to either a bicycle handlebar, a switch housing, or a fishing reel, respectively. None of these references can be considered analogous art to a clamping assembly for clamping a blade or similar cutting/grinding/polishing tool to a power tool.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 12 and 20.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 716-2886.

Respectfully submitted,

Dated: 4/18/06

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[MRJ/edp]

**AMENDMENTS TO THE DRAWINGS**

The attached “Replacement Sheets” of drawings include changes to Figures 1 and 3. The attached “Replacement Sheets,” which includes Figures 1-7, replaces the original sheets including Figures 1-7.

Attachment: Replacement Sheets